

Massachusetts Water Resources Commission
Meeting Minutes for June 13, 1996

Commission Members in Attendance

Peter Webber	Commissioner, Department of Environmental Management
Sharon McGregor	Designee, EOEI Secretary
Marilyn Contreas	Designee, EOCD Secretary
Arleen O'Donnell	Designee, Department of Environmental Management
Joseph McGinn	Designee, Metropolitan District Commission
Lee Corte-Real	Designee, Department of Food and Agriculture
Paul C. Bucknam, Jr.	Public Member

Others in Attendance

Mike Gildesgame	DEM
Deborah Graham	DEM
Michele Drury	DEM
Scott Miller	Haley and Ward
David Peatfield	Georgetown Water Dept.
Mary Ann Nelson	DEM Legal
Lealdon Langley	DEP
Barbara Lahage	MWRA
Gretchen Roorbach	MWRA
Lou Wagner	Massachusetts Audubon Society
Mike Norris	USGS
Robert Gilchrist	Town of Upton
Nancy Whalen	NAPHCC Educational Foundation
George Whalen	NAPHCC Educational Foundation
Joseph R. Green	Plumbers Union LU #12
Thomas A. Sullivan	Greater Boston PHC Contractors Association

The Meeting was called to order at 1:11 PM, when a quorum was formed. Because there was no quorum present when the decision was made to convene the meeting, a nonvoting item, #4 Presentation of the Georgetown Water Needs Forecasts, was taken out of order.

Item #4: Georgetown water needs forecast

Gildesgame stated that since the original forecasts were approved by the WRC in May 1995, there have been significant changes in the community. The town recently conducted a special study through UMass Amherst on population. From 1990 to 1995 growth was twice that of the previous 10 years. Water needs are projected to increase from a base of 0.66 mgd to 0.75 mgd in 2015, due to increase in the number of services. Langley stated that the Water Management Act unit has concerns about Georgetown's high unaccounted-for water. It was 20% in 1993 due to flushing for copper and lead. Flushing occurs because of legitimate public health issues, however, the WMA program will be investigating the volumes used in flushing. In 1994, unaccounted-for water was down to 13%. Clayton expressed concern that projections might raise false expectations. Communities should not presume that just because demand is there, supply is there. Bucknam stated that wastewater was discharged through on-site septic systems, therefore the water stayed within basin. Clayton replied that it wasn't necessarily discharged at the same location in basin. He

was concerned about the basin-wide context. O'Donnell asked if Georgetown is being reviewed with other Parker basin communities. The four basin communities were permitted last year, but there were other issues which have caused this permit to be delayed. Because of basin-wide concerns, it was suggested that the Parker River basin team give a presentation prior to the vote next month.

Contreas asked about water conservation. David Peatfield, the Water Superintendent gave an overview of Georgetown's water conservation efforts. They have a 3 year cycle of leak detection and have been finding that very little water is lost to leaks, about 1 to 2%. They have an extensive public education program through schools and local media. Georgetown was rated the third best system of water departments of comparable size in the state.

Peatfield requested help from state to make it easier to put restrictions in place. They have a bylaw for voluntary and mandatory water conservation, based on DEP's model.

The Commission requested that the following information be provided for the next meeting:

1. Were Georgetown's original water needs forecasts approved?
2. Have all the other communities in basin been permitted?
3. Can the Parker River basin team give a presentation concerning the hydrologic strength of the basin?
4. DEP is to supply its model bylaw for voluntary and mandatory water conservation.

| Item #1: Adoption of the Minutes from April and May meetings

McGinn moved with a second by McGregor that

THE WRC MINUTES OF APRIL AND MAY 1996 BE ADOPTED AS PRESENTED.

The motion passed unanimously.

| Item #2: Executive Director's Report

A. Watershed Policy A number of people from Massachusetts went to the watershed conference in Baltimore, "Watershed '96". It was successful from the point of highlighting Massachusetts as a leading state in implementing the watershed approach.

B. Watershed Policy group meeting McGregor passed out a summary of the meeting. O'Donnell suggested that this be put on next month's agenda and noted that the Watershed Policy group is weighted heavily toward water supply and does not include wastewater people. She suggested that "people who aren't going to like the policy" be invited to the meetings now, so that there will be a consensus during the development of the policy. McGinn suggested that the decision makers, such as selectmen, town administrators, EOCD and Economic Affairs representatives also be invited to attend.

C. The Drought Management Task Force The emphasis should be to empower communities to do their own planning. The task force will identify communities which will have surplus water and those that will need supplemental water during droughts or periods of low rainfall and work with communities to increase water use efficiencies, water conservation and interconnections. A written report from the task force is due at the September meeting.

D. The RFP for watershed grants The RFP will be noticed on June 14th in the Goods and Services Bulletin for issuance June 21st.

E. Water rates laws Mary Ann Nelson stated that there are two types of water suppliers in Massachusetts: private for-profit companies and public water boards and commissions. There are separate laws governing each type of water supplier, as well as separate laws governing the MWRA. Private for-profit companies are established either under a General Act of the Legislature or Chapter 165 of the General Laws. Private companies are regulated by the DPU, which requires by statute that rate schedule be filed. DPU has regulations on how a water company should post rates. DPU has general authority to establish rates, but this does not address the type of rate structure. Public water supply boards or commissions are established under a state statute that allows municipalities to establish water supplies. The law says that the price of water should be set to cover expenses and to encourage water conservation. Public water suppliers can also regulate the use of water and fix rates so that they are just and equitable. Chapter 40 section 39L (1989) prohibits municipal water supplies from establishing a descending block rate. In 1994, Hampden County was exempted from this provision. There are also statutes that govern water rates of MWRA communities. Chapter 165, section 2 requires MWRA communities (except the Chicopee Aqueduct communities) to have a base rate with ascending blocks. The MWRA Enabling Act states that the Authority can have flat or ascending wholesale rates.

O'Donnel asked Nelson to research options for enforcement mechanisms. It was asked if there were still communities which had descending block rates. Nelson responded that a community's enabling legislation may allow it to have a different type of rate structure. If there is no reference to this ability in their enabling legislation, state law governs the type of rate; if the special act addresses this issue, the special act takes precedence. There were questions and comments on the MWRA and WMA enforcement mechanisms. Webber suggested that people with rate setting experience be invited to a special meeting. He also suggested that a subcommittee be formed to investigate rate setting and enforcement mechanisms and asked that any WRC member interested in being on the subcommittee contact McGregor.

| Item # 3: Upton Water Needs Forecasts Graham stated that Upton did not register under the WMA as they were managed by a private company. They were eventually taken over by the town DPW. They are 99% metered; unaccounted-for water use is 20%; residential gpcd is 84. Last month, the unaccounted-for water was presented at 35%. Since then, the water superintendent, Bob Gilchrist, has accounted for a portion of it by talking to the fire and police departments. Over next 20 years, water use will increase from the base of 0.41 mgd to 0.51 mgd. Gilchrist described the water conservation program in town. The DPW is currently accepting proposals for another 1996 leak detection program. They are planning on conducting it before July 1. It was moved by Corte-Real and seconded by Bucknam that

THE WRC ADOPT THE WATER NEEDS FORECASTS AS PRESENTED.

The motion passed 8-0.

| Item #5: MDC Holden/West Boylston Sewering Proposal

McGinn presented the proposal as an official application for a Determination of Applicability or

Insignificance under the Interbasin Transfer Act. Proposals to sewer the area around Wachusett Reservoir date back to 1894, when the reservoir was first developed. The original sewer was installed in Rutland and Holden in the 1920's. A 1938 report to the Legislature concluded that there were still unabated water pollution problems in West Boylston and Holden. The report recommended that MDC build sewers in these areas. However, World War II interrupted the process, and sewers were never built. In 1946 the legislature authorized MDC to expand sewer service to West Boylston, Holden and Rutland. Wastewater was to be directed to what is now the Upper Blackstone Water Pollution Abatement District. In 1978 facilities planning was undertaken to upgrade trunk line capacities and follow through with sewerage. This planning activity established the current interceptor capacity and allocated capacity for Holden, Rutland and West Boylston.

The current MDC proposal is similar, with the following variations: (1) a small service area, the "Industrial area" of West Boylston, will be routed through the existing Maplewood interceptor. This will minimize the amount of pumping necessary; and (2) the areas north of the Reservoir will be treated in-basin. There are also some portions of the proposed service areas that are in Blackstone River basin. MDC is proposing that, based on the 1978 facilities plan, the Interbasin Transfer Act does not apply. If the Commission finds that the Act does apply, the average daily flow will be less than 1 mgd, therefore MDC will ask for a Determination of Insignificance. Gildesgame asked if all flows were within the capacity of treatment plant. McGinn replied that they are. Drury asked if the Holden/Rutland trunk line and interceptor were constructed. McGinn said yes. Gildesgame asked if water needs forecasts were consistent with those approved by the WRC. McGinn said yes, they were revised to reflect this.

Webber asked Drury to describe the review process. A review for applicability or insignificance is more fast-tracked than the standard Interbasin Transfer review. The WRC has only 90 days to make a decision. Receipt of the application needs to be advertised in the Environmental Monitor. Other environmental agencies will need to review the request as well. Staff will get recommendation to the WRC within 60 days. The WRC must vote by September (depending on when the 90 day mark falls). O'Donnell stated that DEP supported this sewer project and felt it was environmentally necessary. She was concerned that a September deadline was too far in the future and proposed that a subgroup meet to discuss issues before the next meeting. Other members thought that it would be a good idea to try to make a decision by August. Clayton expressed concerns that it might appear that this is being "railroaded" through. He stated that we need to be careful that this is not the result. McGregor will put together a group to meet to discuss this.

| Item #7: DEP's Reorganization of the Bureau of Resource Protection

This item was taken out of turn as O'Donnell had to be at the State House. BRP is being merged with Municipal Facilities. Five bureaus are being reduced to three. Enforcement will be under the General Counsel. Under BRP nine divisions will be reduced to two: Municipal Services, with the technical assistance component; and Watershed Management, which will have the facilities planning group. In the regions, except for NERO, the section chief will be eliminated and replaced with a basin team leader. There will still be a contact person for each section, such as water supply etc. The two models (NERO and other regions) will be evaluated for a year and adjustments will be made as necessary.

| Item #6: Water Conservation Program of the National Association of Plumbing -Heating-Cooling

Contractors

Tom Sullivan, Executive Director of the Greater Boston Chapter presented background on National Association of Plumbing-Heating-Cooling Contractors and introduced George Whalen. The Association established a nonprofit foundation to undertake a proactive water conservation program which has benefits to the community and environment, and at the same time, benefits the Association. George Whalen explained that the work of the Foundation is a result of the Federal Energy Policy Act of 1992. The Foundation is working with Energy Department to enforce elements of this legislation. The Foundation does not install products, but supplies information on different systems. New York City is currently undertaking a water conservation program. Economic incentives for this type of program are great in Massachusetts because the costs of water & sewer are so high here. Mr. Whalen has calculated that the average potential savings in Massachusetts are 40-50 mgd for each 1 million water closets replaced. In NYC, 1.3 million water closets were changed, saving 90 mgd. Once the program is complete, NYC will save 340 mgd. (Due to these savings, the Federal government has cancelled decrees against the 14 sewerage treatment plants in NYC - the city is spending \$1 billion to save \$10 billion)

Mr. Whalen presented a proposal by Foundation, funded by grants from manufacturing concerns, Audubon, and other environmental organizations, to replace existing water closets in Massachusetts with low flow toilets at no cost to state. It is estimated that in Boston, this would save the average homeowner \$66.79/person on the annual water bill. Commercial units in Boston would save \$18.46 for each full time employee annually. Bucknam asked if it had been taken into account that rates would have to go up to cover fixed capital costs. Whale responded that major capital projects were able to be scaled back through water savings. This type of project causes the efficiency of treatment to go up. There are situations where a community may have to raise rates because of less water use, however, the consumer stills sees substantial savings. Experience so far is that savings outweigh capital costs.

Meeting minutes approved 7/11/96